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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRIGHTEDGE TECHNOLOGIES, INC.,
Plaintiff,
v.
SEARCHMETRICS GMBH. ET AL.,
Defendants

Case No.4:14-cv-01009-HSG

**STIPULATION REGARDING A
TEMPORARY STAY AND [PROPOSED]
ORDER TO ALLOW THE PARTIES TO
PURSUE SETTLEMENT AND
MEDIATION**

1 IT IS HEREBY STIPULATED AND AGREED, pursuant to the Court's July 18, 2017
2 Order (Dkt. No. 142), by and between Plaintiff BrightEdge Technologies, Inc. ("BrightEdge") and
3 Defendants Searchmetrics, GmbH and Searchmetrics, Inc. (collectively, "Searchmetrics") through
4 their undersigned counsel, as follows:

5 WHEREAS on May 2, 2017 the Court lifted the stay in the current case and directed the
6 parties to submit a proposed case schedule;

7 WHEREAS on May 8, 2017, Defendant Searchmetrics, Inc. filed a petition for Chapter 11
8 bankruptcy with the United States Bankruptcy Court for the District of Delaware, instituting an
9 automatic stay pursuant to 11 U.S.C. § 362;

10 WHEREAS on July 17, 2017, the United States Bankruptcy Court for the District of
11 Delaware entered an order dismissing the bankruptcy petition and lifting the automatic stay (*see*
12 Dkt. No. 141);

13 WHEREAS on July 18, 2017, the Court ordered the parties to "meet and confer regarding
14 a proposed case schedule through claim construction and to e-file a stipulation and proposed order
15 setting out the schedule" by July 28, 2017 (Dkt. No. 142);

16 WHEREAS the parties have agreed in principal to further settlement discussions, including
17 a personal face-to-face meeting between the principals of all three parties mediated by Tony
18 Piazza to occur on Tuesday, August 1;

19 WHEREAS Searchmetrics, Inc. has represented that, if settlement discussions and
20 mediation fail, it will likely file for Chapter 7 liquidation, again imposing an automatic stay in this
21 case and related litigation;

22 WHEREAS the parties believe that an interim two-week stay will foster settlement
23 discussions and the anticipated mediations, preserve the status quo, and preserve the resources of
24 the parties and the Court;

25 WHEREAS at the end of the interim two-week stay the parties will advise whether a
26 settlement in principle has been reached or is anticipated and, if not, will submit a proposed case
27 schedule pursuant to the Court's July 18, 2017 order;

28 WHEREAS at the end of the interim two-week stay the parties will advise whether a
29 settlement in principle has been reached or is anticipated and, if not, will submit a proposed case
30 schedule pursuant to the Court's July 18, 2017 order;

IT IS HEREBY STIPULATED that the case be temporarily stayed, subject to the
following conditions:

1. The case is stayed until August 11, 2017;

1 2. On or prior to August 11, 2017, the parties may submit a stipulation
2 establishing good cause for a continuation of the stay due to a settlement in
3 principle or anticipated, accompanied by a proposed order.

4 In the alternative, if the Court wishes to enter a proposed case schedule at this time, the
5 parties have met and conferred in an attempt to negotiate a case schedule. The parties were unable
6 to reach agreement on a case schedule, and have presented each of their proposed schedules as a
7 draft proposed order, Exhibit A hereto.

8
9 DATED: July 28, 2017

Respectfully submitted,

10 BAKER BOTTS L.L.P.

11 By: /s/ Jon Swenson
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21 Attorneys for Plaintiff
22 BRIGHTEDGE TECHNOLOGIES, INC.

23 DATED: July 28, 2017

Respectfully submitted,

24 DLA PIPER LLP (US)

25 By: /s/ Carrie Williamson (by permission)
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34 Attorneys for Defendants
35 SEARCHMETRICS GMBH and
36 SEARCHMETRICS, INC.

1
2 **[PROPOSED ORDER]**
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5 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.
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9 Dated: 7/31/2017
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